

Serial No. 09/650,118

Attorney Docket No. PF02054NA

REMARKS

Claims 1 through 18 are pending in this application. Claims 2 and 12 are hereby canceled without prejudice or disclaimer and, thus, claims 1, 3 through 11 and 13 through 18 remain. In addition, claims 1 and 10 are hereby amended.

Claims 1, 3 through 11 and 13 through 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,408,182 to Davidson, et al. ("Davidson, et al. patent") in view of U.S. Patent No. 6,192,232 to Iseyama ("Iseyama patent").

Claim 1 as amended provides, *inter alia*, a database that includes subscription information of one or more first communication devices and the one or more second communication devices as well as a backup system component that obtains subscription information from the database for a particular communication device needing service in response to the main system component going out of service. Claim 1 as amended further provides, *inter alia*, a backup system component actively takes a particular action, namely terminating service to the particular communication device needing service, if the subscription information indicates that the particular communication device subscribes to the second class of service. The Davidson, et al. patent and the Iseyama patent do not describe or suggest these elements required by amended claim 1. Therefore, amended claim 1 distinguishes patentably from the Davidson, et al. patent, the Iseyama patent and the combination of these patents

Similar to amended claim 1, claim 10 as amended provides, *inter alia*, terminating service to the particular communication device, in response to the main system component going

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out of services, if the particular communication device subscribes to the second class of service. The Davidson, et al. patent and the Iseyama patent do not describe or suggest this particular action of terminating service that is required by amended claim 10. Therefore, amended claim 10 distinguishes patentably from the Davidson, et al. patent, the Iseyama patent and the combination of these patents.

Claims 3 through 9, 11 and 13 through 18 depend from and include all limitations of independent claims 1 and 10 as amended. Therefore claims 3 through 9, 11 and 13 through 18 distinguish patentably from the Davidson, et al. patent, the Iseyama patent and the combination of these patents for the reasons stated above for amended claims 1 and 10.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1, 3 through 11, and 13 through 18 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

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It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. A Notice of Allowance is respectfully solicited. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
Dorenbosch, Jheroen P., et al.



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Hisashi D. Watanabe

Date

Attorney for Applicant(s)

Registration No. 37,465

Telephone: (847) 523-2322

Facsimile: (847) 523-2350

Please forward all correspondence to:
Motorola, Inc.
Law Department (HDW)
600 North US Highway 45, AN475
Libertyville, IL 60048